

SENATE REMONSTRANCE NO. 1

WHEREAS, on February 9, 2006, the Attorney General for the state of Missouri held a public hearing in St. Louis for the purpose of examining the proposed sale and transfer of assets by the Missouri Higher Education Loan Authority (MoHELA); and

WHEREAS, the Attorney General has publicly promised to hold more hearings on the same subject around the state; and

WHEREAS, the General Assembly has no knowledge of any prior hearings held by the Attorney General to investigate any other public governmental entity regarding the performance of its statutory duties; and

WHEREAS, in December 2005, three University of Missouri Curators raised questions about potential violations of the sunshine law. However, the Attorney General did not hold a public hearing to investigate such allegations. The Attorney General stated that the potential violations were an "internal dispute" that did not require further investigation; and

WHEREAS, such inconsistency in the desire of the Attorney General to hold hearings to investigate other public governmental entity raises questions about the motivation of the Attorney General in holding public hearings regarding MoHELA; and

WHEREAS, employees of the Attorney General were present at the hearing in St. Louis and state resources were expended in order to hold such hearing, despite the fact that no authority

exists for the Attorney General to hold public hearings to investigate the actions of another public governmental entity; and

WHEREAS, the Attorney General has stated that one of the main purposes for his series of hearings is to determine "how the proceeds will be used and how it will further the mission of MoHELA", as well as to see "that the proceeds (of the MoHELA sale) are used appropriately"; and

WHEREAS, the Attorney General lacks any authority to investigate policy decisions by a public governmental entity; and

WHEREAS, it is the constitutional responsibility of the General Assembly, through the appropriation process, to ensure that state funds are used appropriately; and

WHEREAS, the Attorney General's intrusion in the responsibilities of the legislative branch again raises the question of the motivation of the Attorney General:

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate that the Senate herewith remonstrates against the Attorney General for his disregard of the proper role of his office, for his intrusion in the proper functions of the legislative branch, and for the improper insertion of his office into a policy decision by a public governmental entity; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to send a copy of this remonstrance to the Missouri Attorney General.